



February 13, 2004

ENGROSSED SENATE BILL No. 203

DIGEST OF SB 203 (Updated February 11, 2004 4:44 pm - DI 92)

Citations Affected: IC 10-18; noncode.

Synopsis: Indiana war memorials foundation. Authorizes the Indiana war memorials commission to establish a nonprofit corporation to promote public support for Indiana war memorials, to preserve and promote the historical and educational activities of the commission, and to operate for the benefit of the purposes of the commission. Authorizes the commission to transfer money donations and personal property under the commission's control to the corporation. Legalizes establishment of the Indiana War Memorials Foundation, Inc., as the corporation the commission is authorized to establish. Legalizes any transfer of money and personal property from the commission to the foundation before March 15, 2004. Authorizes the commission to transfer the operation of the Indiana War Memorial gift shop and all property associated with the gift shop to the foundation.

Effective: Upon passage.

**Paul, Merritt, Alting, Drozda, Nugent,
Landske, Meeks R**

(HOUSE SPONSORS — GRUBB, SAUNDERS)

January 8, 2004, read first time and referred to Committee on Governmental Affairs and Interstate Cooperation.

January 29, 2004, amended, reported favorably — Do Pass.

February 2, 2004, read second time, ordered engrossed. Engrossed.

February 3, 2004, read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

February 5, 2004, read first time and referred to Committee on Public Policy, Ethics and Veterans Affairs.

February 12, 2004, reported — Do Pass.

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February 13, 2004

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 203

A BILL FOR AN ACT to amend the Indiana Code concerning war memorials.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 10-18-1-18, AS ADDED BY P.L.2-2003,
2 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 18. The commission may do the following:

4 (1) Make and execute contracts and other instruments that may be
5 required in connection with the erection and maintenance of a
6 suitable structure or structures upon or within Memorial Place.

7 (2) Adopt rules for the following:

8 (A) The proper management, government, and use of
9 Memorial Place and the structures situated on Memorial Place.

10 (B) The government of employees.

11 (3) Acquire by condemnation the right to limit the kind, character,
12 and height of buildings upon and the use of real estate or
13 buildings located within three hundred (300) feet of the outside
14 boundaries.

15 (4) Adopt reasonable rules as are proper to limit the kind,
16 character, and height of buildings located or erected within three
17 hundred (300) feet of the outside boundaries of Memorial Place

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and the use of the buildings or real estate. A building constructed or maintained or business conducted in violation of any rule may be abated as a nuisance in an action begun and prosecuted by the commission.

(5) Receive donations, gifts, devises, and bequests and use them in connection with the purposes of this chapter.

(6) Establish a nonprofit corporation to do the following:

(A) Promote public support for the purposes of the commission and this chapter.

(B) Preserve and promote the historical and educational activities of the commission.

(C) Operate for the benefit of the purposes of the commission and this chapter.

(7) Transfer money donated to the commission to a corporation established under subdivision (6).

(8) Transfer personal property under the commission's control to a corporation established under subdivision (6) without complying with IC 5-22-21 and IC 5-22-22.

SECTION 2. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "commission" refers to the Indiana war memorials commission established by IC 10-18-1-2.

(b) As used in this SECTION, "corporation" refers to the Indiana War Memorials Foundation, Inc., a nonprofit corporation incorporated by articles of incorporation dated November 22, 2000.

(c) The incorporation of the corporation is legalized and is considered done under IC 10-18-1-18(6), as added by this act.

(d) The transfer of money and personal property from the commission to the corporation before March 15, 2004, is legalized.

(e) The commission may transfer the operation of the Indiana War Memorial gift shop and all personal property associated with the gift shop to the corporation.

(f) This SECTION expires July 1, 2007.

SECTION 3. An emergency is declared for this act.

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COMMITTEE REPORT

Madam President: The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred Senate Bill No. 203, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, delete lines 14 through 17, begin a new line block indented and insert:

"(7) Transfer money donated to the commission to a corporation established under subdivision (6).

(8) Transfer personal property under the commission's control to a corporation established under subdivision (6) without complying with IC 5-22-21 and IC 5-22-22."

and when so amended that said bill do pass.

(Reference is to SB 203 as introduced.)

RIEGSECKER, Chairperson

Committee Vote: Yeas 7, Nays 0.

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SENATE MOTION

Madam President: I move that Senators Merritt and Alting be added as coauthors of Engrossed Senate Bill 203.

PAUL

SENATE MOTION

Madam President: I move that Senators Drozda, Nugent, Landske and Meeks R be added as coauthors of Engrossed Senate Bill 203.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, Ethics and Veterans Affairs, to which was referred Senate Bill 203, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

LYTLE, Chair

Committee Vote: yeas 13, nays 0.

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